REMARKS

Status of the Claims

Claims 1-6, 8-23, 25-33 and 56-116 were pending in this application and have been examined.

Claims 1-6, 8-11, 16-23, 25-28, 33, 56-66, 71-83 and 88 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent 6,166,730 ("Goode") in view of U.S. Patent No. 5,884,141 ("Inoue"). Claims 12, 13, 29, 30, 67, 68, 84 and 85 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue and in further view of U.S. Patent 6,816,904 ("Ludwig"). Claims 14, 31, 69 and 86 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue and in further view of U.S. Patent Application Publication No. 2002/0069218 ("Sull"). Claims 15, 32, 70 and 87 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue and in further view of U.S. Patent 5,610,653 ("Abecassis"). Claims 89-99, 101-114 and 116 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue, in further view of Ludwig, and in further view of Sull. Claims 100 and 115 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue, in further view of Ludwig, in further view of Sull, and in further view of Abecassis.

Applicants traverse these rejections.

Amendments to the Specification

Applicants have amended the specification herein to correct a clear and obvious typographical error at page 33, line 17. Specifically, the correct reference number for the "device buttons" in FIG. 14A should be "1420" instead of "1410." No new matter has been introduced by this amendment, and its entry is respectfully requested.

Amendments to the Claims

Claims 1 and 18 are amended herein to more particularly point out and distinctly claims applicants' invention. Specifically, amended claims 1 and 18 make clear that resuming delivery of media-on-demand programming to a second user equipment includes delivering from the remote media-on-demand server at least a portion of the recorded media-on-demand programming to the second user equipment, which was recorded in response to receiving a request to freeze delivery.

Support for this amendment can be found at, for example, applicants' specification at page 24, lines 26-29, page 25, lines 18-21, and original claims 8 and 25. Entry of these amendments is thus respectfully requested.

Independent Claims 1 and 18

Independent claims 1 and 18 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Goode in view of Inoue.

Independent claims 1 and 18 are directed to an interactive media-on-demand system in which a remote media-on-demand server is configured to deliver media-on-demand programming to each of a plurality of user equipment. The server is also configured to freeze delivery of a media-on-demand program when receiving a request to freeze delivery from a first one of the plurality of user equipment. Further, the server is configured to record the media-on-demand program when the request to freeze delivery is received from the first user equipment, and to resume delivery to a second one of the plurality of user equipment when a request to resume delivery is received from the second user equipment. Resuming delivery of the media-on-demand programming to the second user equipment includes delivering at least a portion of the recorded media-on-demand program from the server.

There Is No Motivation Or Suggestion To Combine Goode and Inoue

The Office Action contends that an ordinarily skilled worker would have been motivated "to modify Goode to include the pausing and NVOD features as taught by

Inoue" for certain purported advantages, including the ability to "pause an NVOD program thereby providing more flexibility to the user's viewing choices." (Office Action at page 4.)

Applicants disagree with this contention for at least the following reasons.

First, there would have been no motivation to modify Goode with Inoue's NVOD in order to provide a pausing feature, as Goode already has its own pause feature. ("While watching the title, the first user has access to video control features such as fast forward, rewind, pause and stop." Goode at col. 19, lines 5-7.) Because Goode already possesses a pause feature, there would have been no reason to modify it with another pause feature from a different system, particularly one from Inoue's NVOD system.

Second, there would have been no motivation to modify Goode, an on-demand delivery system, with Inoue's NVOD system, as the latter system provides none of the supposed advantages that are alleged in the Office Action. For example, NVOD requires the use of multiple, concurrently broadcasting channels to provide a program (see, e.g., "CH1" to "CH7" in FIGS. 3A and 3B of Inoue), and thus would not have saved bandwidth or provided any additional programming that could not have been provided by Goode's on-demand system. Even Inoue states that NVOD is "less convenient than a video-on-demand system which

displays the desired video programming immediately." (Inoue at col. 2, lines 30-32.) Thus, applicants submit that there would have been no motivation to make the proposed combination of Goode's on-demand system with a less-desirable NVOD system.

Because there would have been no motivation to combine Goode and Inoue in the proposed manner, applicants submit that the prima facie case of the unpatentability of claims 1 and 18 has not been made, and thus claims 1 and 18 are patentable over Goode and Inoue.

Goode and Inoue Do No Disclose All Of The Features Of Applicants' Claimed Invention

In addition to the absence of motivation discussed above, applicants submit that the claims are patentable because the proposed combination of Goode and Inoue does not include all of the features of applicants' claimed invention.

Applicants' claims 1 and 18 require that the media-on-demand program be recorded by a remote media-on-demand server when a request to freeze delivery is received from a first user equipment. Also required is that upon receiving a request to resume delivery of the program from a second user equipment, at least a portion of the recorded media-on-demand program is delivered from the server to the second user equipment.

As conceded in Office Action, Goode "fails to record the media on demand program when the request to freeze delivery is received from the first user equipment." (Office Action at page 4.) However, the Office Action contends Inoue discloses such a feature. Applicants disagree.

Applicants' claimed invention requires that a remote server record the media-on-demand program in response to a freeze request, and also requires that resuming delivery of the program requires that at least a portion of the server-recorded program is delivered from the remote server to the second user equipment.

However, Inoue only refers to recording of a NVOD channel on a local disk, not a remote server. (See, e.g., Inoue at col. 8, lines 1-6 and FIG. 1.) Likewise, when the recorded NVOD channel is "resumed" in Inoue, the recorded program is also supplied from the local disk, and not delivered from a remote server. (See, e.g., Inoue at col. 8, lines 16-20 and FIG. 1.)

Therefore, because Inoue only discloses recording to and resuming from a local disk, the proposed combination of Goode and Inoue would not have included recording of the paused program on a remote server, nor would the combination have included resuming the delivery of the recorded program from a remote server. Thus, by only relying Inoue's "pause" feature in making the proposed combination, yet while excluding Inoue's requisite use of a

local disk, the Office Action has impermissibly used hindsight analysis to reconstruct applicants' claimed invention. ("It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art." Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 796 F.2d 443, 448, 230 USPQ 416, 419 (Fed. Cir. 1986); citing In re Wesslau, 353 F.2d 238, 241 147 USPQ 391, 393 (CCPA 1965).)

Applicants thus submit that even the purported combination of Inoue and Goode would not have included all of the required features of applicants' claimed invention. Therefore, for at least this additional reason, applicants submit that the prima facie case of the unpatentability of claims 1 and 18 has not been made, and thus claims 1 and 18 are patentable over Goode and Inoue.

Independent Claims 57 and 73

Independent claims 57 and 73 are directed to an interactive media-on-demand system in which a remote media-on-demand server is configured to deliver media-on-demand programming to each of a plurality of user equipment. Included among its features is a relocate option that is

provided to the user to allow the user to request to freeze delivery of the media-on-demand program.

The Office Action contends that claims 57 and 73 are unpatentable over Goode in view of Inoue, contending that Goode discloses a "relocate option." (Office Action at page 6.) Applicants disagree, as Goode does not disclose a relocate option that allows a user to freeze delivery. At best, Goode only refers to allowing the user to stop video streaming (Goode at col. 19, lines 7-10), but provides no disclosure that this mere "stop" feature relates to switching to another user equipment and resuming the presentation there. Furthermore, there is no disclosure or suggestion in Inoue that would remedy this deficiency of Goode.

For at least this reason, applicants submit that claims 57 and 73 are patentable over Goode and Inoue.

Independent Claims 89 and 103

Independent claims 89 and 103 are directed to an interactive media-on-demand system in which a remote media-on-demand server is configured to deliver media-on-demand programming to each of a plurality of user equipment. Included in its features is a logout option that is provided to the user to allow the user to log out of the system. Further, in response to the logout option being selected, is configured to provide the user with the

opportunity to request to freeze delivery of the media-on-demand program.

The Office Action contends that claims 89 and 103 are unpatentable over Goode in view of Inoue, in further view of Ludwig and in further view of Sull. In particular, the Office Action contends that Sull discloses a system that allows a user to freeze delivery in response to selecting a logout option. (Office Action at page 7.)

However, applicants submit that Sull fails to disclose that the user is provided with an opportunity to request to freeze delivery in response to the logout option being selected. At most, Sull refers to "a user who may be forced to stop watching [a] video and log out due to system shutdown." (Sull at page 2, paragraph 0013; emphasis added.) Thus, in Sull's case, the user is not presented with any opportunity to select a log out option; instead, this option is forced upon the user. Furthermore, this deficiency is not remedied by Goode, Ludwig or Inoue.

For at least this reason, applicants submit that claims 89 and 103 are patentable over Goode, Inoue, Ludwig and Sull.

Dependent Claims

For at least the reasons presented above, applicants submit that dependent claims 2-6, 8-17, 19-23,

25-33 and 56, 58-72, 74-88, 90-102 and 104-116 are patentable for at least the reasons presented above that their respective parent claims are patentable.

Furthermore, dependent claims 62, 78, 95 and 109, each of which share certain features with independent claims 1 and 18, are patentable for the additional reasons presented above with respect to claims 1 and 18.

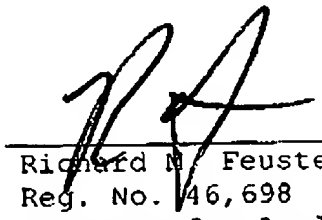
Furthermore, dependent claims 3, 20, 91 and 105, each of which share certain features with independent claims 57 and 73, are patentable for the additional reasons presented above with respect to claims 57 and 73.

Furthermore, dependent claims 14, 31, 69 and 86, each of which share certain features with independent claims 89 and 103, are patentable for the additional reasons presented above with respect to claims 89 and 103.

CONCLUSION

The foregoing demonstrates that all of the pending claims are patentable and are in condition for allowance. Reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,



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